

September 3, 2009

Assembly Committee on Criminal Justice

Assembly Bill 365

Representative Peter Barca

Chairman Turner and members of the Assembly Committee on Criminal Justice, thank you for holding a public hearing on Assembly Bill 365, which would protect felony victims by limiting their exposure to the accused during certain criminal proceedings by allowing testimony to be readmitted at later hearings.

Throughout the course of criminal proceedings, a victim of a crime is often required to testify multiple times against the accused. In many instances, rather than simply readmitting the previously delivered testimony, the victim must also testify at a revocation hearing because the accused person was already on probation, parole, or extended supervision.

This proposal would allow for testimony taken from a felony victim at a preliminary hearing to be used in a subsequent revocation hearing in cases where the defendant was already serving a previous sentence. Under the bill, if a party can show good cause for requiring the victim to appear, the victim could still be forced to testify again.

Assembly Bill 365 comes at the urging and request of the Kenosha County Victim Witness coordinators and the Kenosha District Attorney's Office. Based on their hands-on experience assisting crime victims through this difficult process, they believe that this change would extend an important additional protection for victims during a very challenging time.

Revocation hearings are far less formal than a traditional courtroom setting and held in close confines. The accused sits only a few feet across the table from the victim. Being forced to offer the same testimony can be traumatic for victims of more sensitive crimes, as they are asked to publicly relive the details of the event once again. This will be especially helpful in protecting victims that are children.

If a state court has already established 'probable cause' based on the victim's sworn testimony, it should be sufficient to be introduced as evidence in a later administrative hearing before the Department of Corrections. This proposal is a very reasonable attempt to relieve some of the burden of repeating painful testimony that has already been deemed credible.

With this bill, we can avoid re-victimizing the victim by reducing the injured person's exposure to his or her attacker. The opportunity to avoid unnecessarily forcing victims to retell their story under such trying conditions represents a significant step towards protecting victims.

Identical legislation to Assembly Bill 365 passed the Assembly in the previous session with the support of the Wisconsin Sheriffs and Deputy Sheriffs Association, the Wisconsin Troopers Association, and the Milwaukee Police Association.

Thank you for your time today and I would appreciate your support when Assembly Bill 365 comes for a vote before this committee.

# Milwaukee POLICE Association®

Local #21 IUPA-AFL-CIO



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July 29, 2009

Representative Peter Barca  
State Capitol  
Room 107N  
PO Box 8952  
Madison, WI 53708

Dear Representative Barca:

On behalf of the approximately 1,700 law enforcement officers in the Milwaukee Police Association (MPA) please accept this correspondence as support for LRB2255, which would allow for a felony victim's testimony from a preliminary hearing where probable cause is found to be reused as a probation, parole or extended supervision hearing for a defendant who was already serving a previous sentence.

Currently the victim of a felony offense has to testify at a preliminary hearing and within a few weeks has to testify at the same suspect's revocation hearing. In the County of Milwaukee the hearings are usually held in the Secure Detention Facility. This means that the victim is sitting in a 6'x8' room, just a few feet from the suspect that committed the offense against them. This bill would reduce the trauma of the victim, and avoid having the victim repeat their testimony again and again.

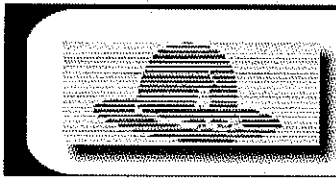
The MPA supports this legislation for the above stated reasons. We believe that this legislation would benefit the victim of serious and sometimes sensitive criminal offenses from unnecessarily testifying multiply times.

Sincerely,

Milwaukee Police Association

Thomas E. Fischer  
Vice President  
MPA, Local #21, IUPA, AFL-CIO

TEF/lg



## Wisconsin Troopers' Association

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TO: Representative Bob Turner, Chair  
Members, Assembly Committee on Criminal Justice

FR: Casey Perry, Executive Director  
Wisconsin Troopers' Association

DA: September 3, 2009

RE: Support for AB 365, legislation admitting prior testimony of a felony victim at a probation, parole, or extended supervision revocation hearing.

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On behalf of the nearly 500 members of the Wisconsin Troopers' Association (WTA), thank you for the opportunity to submit this letter of support for AB 365. We are grateful to Representative Barca for his leadership in bringing this issue forward on behalf of victims of criminal offenses.

The WTA supports this legislation which would allow for felony victim testimony from a preliminary hearing to be reused at a subsequent probation, parole, or extended supervision hearing for a defendant who was already serving a previous sentence.

Current law requires a victim to testify at a preliminary hearing regarding the felony and then, within a short time period, must testify again at the revocation hearing. By reusing recorded testimony, victims are shielded from the trauma of having to recount the actions of the offender any more than absolutely necessary. It will also help prevent the possibility of having to face or be in close proximity to their offender.

The WTA fully supports AB 365, common-sense legislation that adheres to the priority of protecting victims in all circumstances.

Feel free to contact Annie Early at 414-405-1050 with any questions or concerns about our position. Thank you.